

REMARKS

In the Final Office Action of July 26, 2005, the Examiner requested that the status of claim 1 and 6 be changed to "canceled." As these claims were previously canceled by applicant this error has now been corrected.

The Examiner further rejected claims 14 and 15, the remaining claims in the application, under 35 U.S.C. 103(a) as being unpatentable over Tzidon et al. (U.S. Patent No. 5,737,031) in view of Mellow (US Patent No. 3,691,676). Claims 14 and 15 have now been amended.

Applicant's invention, as set forth in amended claims 14 and 15 is directed to an improved cinematographic system and method for multiple compositing, within a virtual studio, of an image frame or image sequence of a real/action image of an action sequence of a puppet, with another image frame or image sequence of a real/action image of the same or another puppet, within a given virtual studio space.

Two embodiments are disclosed and claimed. In the first embodiment a real/action image of a puppet is filmed on a virtual studio set with a first camera to record a master camera angle shot and a second real/action image of the same puppet is filmed with a second camera at a different camera angle to record a close-up shot of the same puppet. The two images are then combined and the resultant combined image of the close-up shot with the virtual background of the master shot provides cinematographic realism to the finished production. (See specification pages 9 and 16-17).

In the second embodiment two separate cameras are used to record complimentary real/action images or sequences of images of two different puppet characters where the action of the two different puppet characters is designed to be

interactive. The two separate images of the two separate puppet characters are then integrated and composited into the same image frame. The two images are recorded at two different times on the same virtual set or recorded at the same time on identical virtual sets. This integration and multiple compositing of two action images within the same image frame permits interactive sequences to be included in the same scene without puppeteer congestion. (See specification page 9 and pages 18-19) As set forth in the specification, the type of puppetry used with the instant invention requires three or more puppeteers for each puppet. Therefore, when multiple puppets are used in the same scene puppeteer congestion would be a major problem, but not for the invention set forth in amended claims 14 and 15.

The primary reference relied on by the Examiner is the patent to Tzidon. Tzidon uses multiple cameras in order to create a virtual shadow that allegedly allows high quality integration of foreground and background images. A second use of the multiple cameras in Tzidon is the use of three cameras to acutely locate an object within a virtual background so that live actors are properly located with respect to virtual objects. Tzidon is not concerned with nor addresses the problems associated with the use of multiple puppets on a virtual set to create a realistic and life-like image.

In contrast, applicant's invention as set forth in amended claims 14 and 15, specifically addresses and solves problems associated with the use of multiple puppets on a virtual set and does so in the unique and inventive manner as described above. Tzidon makes no mention of using head shots and master shots to provide cinematographic realism. Nor does Tzidon address the problem of puppeteer congestion or the solution to that problem by shooting two different puppets on the same set at different times or two different puppets on identical sets at the same time

and combining these images. It is submitted therefore that Tzidon does not show or suggest applicant's invention.

The Examiner also relied on the patent to Mellow. This reference shows nothing more than a fixed outline applied to a flat board with movable features such as arms or legs. There is no mention of virtual sets, virtual backgrounds, shooting head shots and master shots and combining them for cinematographic realism or shooting different characters at different times on the same set or different characters at the same time on identical sets and combining the images to avoid puppeteer congestion. In short, none of the incentive elements set forth in amended claims 14 and 15 are present in Mellow.

Applicant respectfully suggests that the Examiner's rejection based on obviousness in view of Tzidon and Mellow is misplaced. There must be a teaching or suggestion within the prior art, or within the general knowledge of a person of ordinary skill in the art, to look to particular sources of information, to select particular elements or to combine them in the way they were combined by the inventor. *Northern Telecom Inc. v. Datapoint Corp.*, 908 F.2d 931, 935 (Fed. Cir. 1990). An invention is not obvious where the prior art gives no direction as to which of many possible choices is likely to be successful, *In re O'Farrell*, 853 F.2d 894, 903 (Fed. Cir. 1988), and any suggestion in the prior art must be clear and particular. *In re Dembiczall* 175 F.3d 994, 999 (Fed. Cir. 1999).

There is no teaching in either Tzidon or Mellow standing alone of the invention set forth in amended claims 14 and 15 and there certainly is no suggestion in either reference that any teaching could be combined to result in applicant's invention.

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Accordingly, it is submitted that applicant's invention as amended is not shown or suggested by Tzidon or Mellow, either standing alone or in combination. Therefore, passage to issue of amended claims 14 and 15, the only remaining claims in the application, is respectfully requested.

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Respectfully submitted,

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